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4 **IN THE UNITED STATES DISTRICT COURT**
5 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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7 WAYLAND DEE KIRKLAND,

No. CIV S-02-1266-JAM-CMK-P

8 Petitioner,

9 vs.

ORDER

10 D.K. BUTLER, et al.,

11 Respondents.
12 _____/

13 Petitioner, a state prisoner proceeding with counsel, brings this petition for a writ
14 of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner has filed a notice of voluntary
15 dismissal, with a stipulation by respondent. Because the parties have stipulated to the dismissal
16 of this case, leave of court is not required and the action is dismissed on petitioner's notice. See
17 Fed. R. Civ. P. 41(a)(1)(A)(ii). Clerk of the Court is directed to close this file.

18 IT IS SO ORDERED.
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20 DATED: February 24, 2009

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22 **CRAIG M. KELLISON**
23 UNITED STATES MAGISTRATE JUDGE
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